

Application No. 10/742,121
Reply to Office Action of September 9, 2005

REMARKS/ARGUMENTS

Claims 21 and 36 are cancelled. Claims 1, 9, and 26 have been amended to include the embodiments of originally filed Claims 21 and/or 36. Support is found therein Claims 21 and/or 36. Claims 41 and 42 are new. Support for new Claims 41 and 42 is found at page 10, lines 23-25, of the originally-filed application. No new matter is believed to be added by the amendment above.

Claims 1-20, 22-35, and 37-42 are pending. Favorable reconsideration is respectfully requested in light of the Remarks below.

At the outset, Applicants thank Examiner Martin for her helpful explanations of the rejection and suggestions to overcome the same.

Applicants note that the many rejections based upon a multitude of references cited by the Office. Applicants will not address the merit of these rejections due to the amendment above, the comments below, and the 131 Declaration attached hereto, so as to obtain efficient allowance of the now pending claims. However, Applicants reserve the right to pursue the originally-filed claims and address the above-mentioned rejections at a later date in a Continuation Application.

Applicant further note that the Office has rejected Claims 21 and 36 under 35 U.S.C. §103(a), over US Patent 5006170 (US'170) alone and/or in combination with United States Published Patent Application Number 2004/0226476 (US'476) to Bedford et al. published November 18, 2004, and having an effective filing date of May 12, 2003. Therefore, US'476 is offered as a 102(e) reference. Applicants have amended all pending claims, through the amendment of independent Claims 1, 9, and 26, to include the embodiments of originally filed Claims 21 and/or 36.

The rejection of Claims 21 and 36 under 35 U.S.C. §103(a), over US Patent 5006170 (US'170) alone and/or in combination with United States Published Patent Application

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Number 2004/0226476 (US'476) to Bedford et al. published November 18, 2004, and having an effective filing date of May 12, 2003, is obviated by the cancellation of these claims.

Further, Claims 1-20, 22-35, and 37-42 are believed to be patentable over US Patent 5006170 (US'170) alone and/or in combination with United States Published Patent Application Number 2004/0226476 (US'476) to Bedford et al. published November 18, 2004, and having an effective filing date of May 12, 2003, in view of the executed 131 Declaration attached hereto which contains Exhibit A and the above-mentioned amendments to Claims 1-20, 22-35, and 37-42.

Applicants thank the Office and Examiner Martin for understanding and confirming that none of the other references (either alone or in combination with one another) cited by the Office in the Office Action dated September 9, 2006, disclose or suggest Claims 21 and/or 36.

US'476 is only available as art under 35 U.S.C. §102(e). US'476 has an effective filing date of May 12, 2003. Therefore, Applicants may have the rejection withdrawn if Applicants can "swear behind" the effective filing date (May 12, 2003) of US'476.

Attached hereto is an executed 131 Declaration which contains Exhibit A signed by the Inventor of the claimed invention demonstrating that he invented the claimed invention prior to the effective filing date (May 12, 2003) of US'476. Exhibit A is a copy of a redacted record of invention and a partial project report dated July 2, 2001. This report clearly demonstrates that Mark S. Pavlin invented the claimed invention prior to the effective filing date of US'476 since July 2, 2001, falls before the effective filing date (May 12, 2003) of US'476.

In light of the above and the attached, Applicants have clearly demonstrated the date of earlier invention with respect to the effective filing date (May 12, 2003) of US'476 by properly "swearing behind" the same. Accordingly, withdrawal of US'476 as a reference is respectfully requested.

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Further, the Office relied upon US'476 to allegedly demonstrate that US'476 disclosed a dimer based tetra-amide (polyamide) that is the reaction product of a dimer acid (polymerized fatty acid), ethylene diamine, stearic acid (fatty acid). See page 18, line 7+. The Office relied upon US'476 because the Office correctly recognizes and admits that all of the other cited references, especially US'170, fails to disclose or suggest an ink composition containing a polymerized fatty acid-based polyamide resin that is the reaction product of reactants comprising polymerized fatty acid polyamide, ethylene diamine, hexamethylenediamine, and fatty acid.


In direct contrast to all of the remaining cited references, the present invention relates to an ink composition containing a polymerized fatty acid-based polyamide resin that is the reaction product of reactants comprising polymerized fatty acid polyamide, ethylene diamine, hexamethylenediamine, and fatty acid, as well as methods of making and using the same.

Since US'476 has been removed as a reference and all of the other cited references, especially US'170, fails to disclose or suggest the an ink composition containing a polymerized fatty acid-based polyamide resin that is the reaction product of reactants comprising polymerized fatty acid polyamide, ethylene diamine, hexamethylenediamine, and fatty acid, then none of the other cited references, especially US'170, (either alone or in any combination) can possibly disclose or suggest the claimed invention. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

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Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be required to place this application in condition for allowance, the Examiner is requested to contact below-signed by telephone.

Please charge the amount of **\$450.00** required for the request for extension of time to our Deposit Account No. 09-0525. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 09-0525. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

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